

# PLANNING COMMISSION MINUTES

October 24, 2001

## CALL TO ORDER:

Acting Chairman Eric Johansen called the meeting to order at 7:02 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

## ROLL CALL:

Present were Acting Chairman Eric Johansen; Planning Commissioners Bob Barnard, Gary Bliss and Brian Lynott. Chairman Vlad Voytilla and Planning Commissioners Russell Davis and Dan Maks were excused.

Associate Planner Scott Whyte, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Acting Chairman Johansen, who presented the format for the meeting.

## VISITORS:

Acting Chairman Johansen asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

## STAFF COMMUNICATION:

Associate Planner Scott Whyte indicated that there were no staff communications.

## NEW BUSINESS:

Acting Chairman Johansen opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

1                   **PUBLIC HEARING:**

2

3           **A. CUP 2001-0025 – TRUAX GASOLINE SERVICE STATION AT 14976 SW**

4           **WALKER ROAD CONDITIONAL USE PERMIT**

5           This land use application requests approval of a Conditional Use Permit (CUP)

6           for the construction of a proposed retail gasoline service station to be operated on

7           a 24-hour basis. The development proposal is located at 14976 SW Walker

8           Road, and is more specifically described on Washington County Assessor's Map

9           1S1-05AD, Tax Lot 6700. Most of the site is zoned Neighborhood Service

10          Center (NS), and approximately ¼ of the site is zoned Urban Medium Density (R-

11          2). The site is approximately 1.22 acres in size, and development of the proposed

12          service station would be located on that portion of the site that is zoned NS. The

13          use of the site and hours of operation are both subject to this approval, and all

14          uses that operate during the hours of 10:00 p.m. through 7:00 a.m. are subject to

15          Conditional Use approval within the NS zone. Consideration for a decision on

16          action on the proposed development shall be based upon the approval criteria

17          listed in Section 40.05.15.2.C.

18

19          On question, Mr. Whyte indicated that no film of the site is available.

20

21          Commissioners Lynott, Bliss and Barnard and Acting Chairman Johansen all

22          indicated that they had personally visited the site and had not had any contact with

23          any individual regarding the application.

24

25          Mr. Whyte presented the Staff Report and exhibits and briefly described the

26          application and past history of the site, adding that this involves a dual request for

27          conditional use approval, specifically the operation of the retail gasoline station

28          and extended hours of operation. Observing that this proposal is similar to the

29          expired applications that had been approved in 1998, he discussed several issues

30          that had been addressed since that time, including the relocation of the water

31          quality swale, emphasizing that all of the development proposed at this time is

32          within the boundaries of the existing NS zoning district. Noting that the applicant

33          is not proposing a concrete block wall, he described the durisol wall material that

34          has been proposed, adding that illustrations and a sample material are available.

35          Concluding, he recommended approval of the application, with certain Conditions

36          of Approval and noted several revisions requested by staff, and offered to respond

37          to questions and comments.

38

39          On question, Mr. Whyte informed Commissioner Bliss that the Fire Marshall has

40          reviewed the plans and determined that the site circulation would be adequate and

41          specifically that the tanker truck would be capable of negotiating around the

42          buildings and island.

43

44          Commissioner Bliss referred to the possibility of spills of hazardous materials,

45          expressing concern with the potential of any chemicals to leak into the water

46          quality swale.

1 Observing that the applicant could provide more detailed information addressing  
2 this issue, Mr. Whyte informed Commissioner Bliss that the oil treatment and  
3 water quality facilities would be subject to further review for compliance with  
4 certain codes.

5  
6 Commissioner Bliss requested clarification of who has jurisdiction on these roads.

7  
8 Mr. Whyte informed Commissioner Bliss that Washington County currently has  
9 jurisdiction over and maintains both roads.

10  
11 Commissioner Bliss pointed out that although it may be implied, any approval by  
12 Washington County has not been referenced within the Conditions of Approval,  
13 emphasizing that the County has different standards than the City of Beaverton.

14  
15 Mr. Whyte referred to page 13 of 16 in the Facilities Review Conditions of  
16 Approval prepared by Don Gustafson of the Transportation Division, observing  
17 that Condition of Approval No. 3 addresses street improvements and refers to  
18 Washington County standards. He mentioned that Condition of Approval No. 5  
19 provides for approval of access standards modifications by the Washington  
20 County Engineering Division.

21  
22 Commissioner Bliss commented that the Conditions of Approval do not include  
23 the usual reference to the Facilities Review Conditions of Approval.

24  
25 Mr. Whyte observed that this is not an oversight, adding that this had been  
26 deliberately omitted by staff in order to avoid redundancy. He clarified that these  
27 conditions are more related to the design review section of the Development Code  
28 and would be addressed by the Board of Design Review through the Type 3  
29 Design Review application, assuring Commissioner Bliss that this could be  
30 included with the Conditional Use Permit as well.

31  
32 Acting Chairman Johansen emphasized that another conditional use process  
33 would be necessary if the applicant decided to add a mini-mart or some other use  
34 in the future, noting that this could possibly include a requirement for an  
35 additional traffic study.

36  
37 On question, Mr. Whyte informed Assistant City Attorney Ted Naemura that the  
38 only two documents that the Planning Commission had not received prior to  
39 tonight's Public Hearing are the durisol wall information and the notes from the  
40 Neighborhood Meeting.

41  
42 **APPLICANT:**

43  
44 **TAD TRUAX**, representing *Merritt W. Truax, Inc.*, introduced himself and  
45 offered to respond to any questions or comments.

1        **GREGORY KURAHASHI**, of *Kurahashi & Associates, Inc.*, representing  
2        *Merritt W. Truax, Inc.*, introduced himself and Laine Young, of *Merritt W. Truax,*  
3        *Inc.* He observed that the applicant is comfortable with all Conditions of  
4        Approval presented by staff, with two exceptions, one of which is Condition of  
5        Approval No. 5, which provides for the ten-foot strip of landscaping. Noting that  
6        staff had indicated that this should include the amount of landscaping in front of  
7        the wall, excluding the curb, he pointed out that this would significantly increase  
8        the amount of space that would have to be redone, as compared to what has been  
9        proposed. He expressed his opinion that the proposed ten feet from the property  
10       line to the face of the curb is adequate for the wall, which does not include a  
11       footing, as well as the amount of trees that have been proposed. He also  
12       expressed concern with staff's suggestion for the location of the water quality  
13       swale. Referring to the proposed ten-foot setback, he provided an illustration of  
14       the proposed development and indicated the intended dimension across the  
15       property and proposed asphalt depth and setbacks. He pointed out that the  
16       applicant is comfortable with anything up to approximately forty feet, adding that  
17       they could even accept 43 feet. He discussed issues with landscaping, and  
18       provided an illustration indicating the placement and appearance of the proposed  
19       landscaping, observing that the Pine trees would be thirty to forty feet in height  
20       when fully grown. He described other landscaping features, such as  
21       rhododendrons and azaleas, and discussed the schematic rationale for the  
22       proposed spacing of trees, spacers and columns, observing that the wall would not  
23       interfere with the necessary growth and expansion of the tree roots.

24  
25       Acting Chairman Johansen requested clarification of the sound absorption  
26       provided by the wall.

27  
28       Observing that the Durisol wall information would be presented to Board of  
29       Design Review the following evening for their Public Hearing, Mr. Kurahashi  
30       clarified that although the noise hits the wall, there is a tendency for the sound to  
31       be absorbed by the wall, with the result that the sound does not actually  
32       reverberate off the wall.

33  
34       Commissioner Lynott requested clarification of the rationalization for the eight-  
35       foot height.

36  
37       Mr. Kurahashi informed Commissioner Lynott that eight feet is basically the same  
38       height that had been proposed and accepted at the previous Public Hearing for the  
39       Conditional Use Permit that had been granted in 1998.

40  
41       Observing that a six-foot wall had been proposed originally, Mr. Truax pointed  
42       out that because the eight-foot wall had been required in 1998, the applicant had  
43       simply gone along with that same requirement.

44  
45       Mr. Kurahashi discussed the relocation of the water quality swale, noting that the  
46       original location proposed for the pond has been reserved for emergency access

1 for ingress and egress for the adjacent multi-family site, adding that this concerns  
2 an easement issue. Observing that no arrangement had ever been reached with  
3 Mr. Randall regarding relocating this easement, he emphasized that it was not  
4 appropriate to leave the water quality swale in that location, adding that the owner  
5 wanted to keep all facilities as closely together as possible. Concluding, he  
6 offered to respond to questions or comments.

7  
8 Commissioner Barnard questioned the size of the tree at the time of planting.

9  
10 Mr. Kurahashi informed Commissioner Barnard that the trees would be  
11 approximately eight feet tall at the time of planting, adding that the landscape  
12 architect should be able to address the growth rate and when this particular  
13 species of tree attains full maturity.

14  
15 Commissioner Barnard requested clarification of the functionality of the water  
16 quality swale and water at the lower end of site, specifically where this water  
17 would run off.

18  
19 Mr. Kurahashi indicated on the illustration the contours that show where the water  
20 basically drains towards the open space, which is the Bonneville Power  
21 Administration (BPA) line area, pointing out that the county would be  
22 maintaining the road.

23  
24 Commissioner Barnard questioned whether there are any issues with runoff water  
25 from the north portion of the site, where the water quality facility used to be,  
26 noting that this issue would have been addressed where originally proposed.

27  
28 Mr. Kurahashi mentioned that the apartment property to the north has existing  
29 storm drainage facilities, adding that the water enters the catch basins and is  
30 discharged, through drainage easements, into the BPA area. He also noted that  
31 the pond, where previously proposed, had engineering problems because the  
32 existing storm drain connection was not very deep at this location.

33  
34 Commissioner Bliss expressed concern with the containment of potential oil spills  
35 on site, questioning whether any consideration has been given to this issue.

36  
37 Mr. Kurahashi advised Commissioner Bliss that with gasoline stations, a valve is  
38 normally put into the storm drain system, adding that this valve could be turned  
39 off to completely contain any spill. He described the containment, which would  
40 consist of approximately two feet of depth and a five-foot diameter, noting that  
41 any spill would have to travel through this catch basin prior to entering the water  
42 quality system. He pointed out that Project Engineer Jim Duggan is agreeable to  
43 that location for the valve, adding that this is a common procedure utilized to  
44 contain the possibility of on-site spills.

45

1 Observing that he is familiar with this procedure, Commissioner Bliss mentioned  
2 that he had seen no actual reference within any of the documents he had reviewed.

3  
4 Acting Chairman Johansen complimented the applicant for the layout of their  
5 proposal and application, and questioned whether the applicant has any concerns  
6 for future access to Walker Road.

7  
8 Mr. Truax informed Acting Chairman Johansen that while the applicant had  
9 originally provided for a second access on Walker Road, it had been eliminated,  
10 adding that any further development of the site would have to use the access  
11 proposed from 150<sup>th</sup> Avenue.

12  
13 **LAINÉ YOUNG**, with *Kurahashi & Associates, Inc.*, representing *Merritt W.*  
14 *Truax, Inc.*, indicated on the illustration where the main access would be, noting  
15 that there would be plenty of distance between the actual development and the  
16 edge of any of the property and that there is adequate room for a two-way access  
17 if it becomes necessary in the future. He pointed out that Mr. Truax is preserving  
18 his options for potential future development of the property, although no  
19 additional site development is proposed at this time.

20  
21 Acting Chairman Johansen questioned whether there has been any contact with  
22 Washington County regarding the 150<sup>th</sup> Avenue access.

23  
24 Mr. Kurahashi discussed the potential for an access to occur along Walker Road,  
25 if it becomes necessary, observing that Truax involves only gasoline stations, not  
26 convenience stores, adding that they have been basically involved in retail  
27 gasoline sales for 65 years. He pointed out that any future development would  
28 necessitate certain changes to the configuration of the site.

29  
30 Commissioner Barnard questioned what type of basic maintenance is intended for  
31 that portion of the site to remain undeveloped.

32  
33 Mr. Truax advised Commissioner Barnard that maintenance would basically  
34 involve a rough mow of the open field area.

35  
36 Mr. Kurahashi pointed out that the area would be seeded with a certain type of  
37 grass that would involve less mowing and maintenance, adding that the Apple  
38 trees would be removed and the large Fir trees, the Sequoia trees and the Birch  
39 trees in this area would be retained.

40  
41 Commissioner Lynott requested clarification of what the applicant means by an  
42 open field.

43  
44 Mr. Truax advised Commissioner Lynott that the grass would be similar to that  
45 found in a park or similar area, adding that the area would be non-irrigated, but  
46 maintained.

1  
2 Mr. Kurahashi pointed out that they had recommended that the area be left in a  
3 relatively natural condition and retained basically as an open space.  
4

5 **PUBLIC TESTIMONY:**  
6

7 **KEN RANDALL**, representing *Walker Square Apartments*, pointed out that he is  
8 happy to see new development and commerce and is generally supportive of the  
9 application. He outlined several concerns, including the proposed eight-foot  
10 block wall outlined in Staff Report, as well as a more intensive landscape buffer  
11 strip, adding that he would like to retain and attract long-term stable residency in  
12 Walker Square. He expressed concern that he does not see the block wall as part  
13 of the plan and that there is insufficient information regarding the size of the trees  
14 at the time of planting and the potential rate of growth, adding that he also has  
15 concerns with potential light and sound that would be generated at the site. He  
16 noted that he is open to other options, equally or more effective, particularly if  
17 they are available at less of a cost to the developer, adding that he would have  
18 liked to have reviewed the specifications sooner and would also like to review  
19 samples of the proposed materials. He expressed his preference to the standard  
20 hours of operation, from 7:00 a.m. to 10:00 p.m., adding had been able to accept  
21 the operating hours of 6:00 a.m. until Midnight with the original Conditions of  
22 Approval from 1998. He pointed out that while renters are less likely to attend  
23 meetings to address these issues, they are also more transient and flexible, and can  
24 more easily pack up and move if they are not satisfied with a particular situation.  
25 Concluding, he offered to respond to any questions or comments.  
26

27 Commissioner Lynott questioned the possibility of increasing the proposed eight-  
28 foot wall to twelve or fourteen feet.  
29

30 Mr. Whyte advised Commissioner Lynott that he is not certain whether the  
31 proposed product is available at those heights, adding that a higher wall would  
32 require additional support and this could also have an impact upon the proposed  
33 landscaping before the wall.  
34

35 Commissioner Lynott asked Mr. Randall whether a higher wall would adequately  
36 address some of his concerns regarding light and sound.  
37

38 Mr. Randall informed Commissioner Lynott that it is possible that increasing the  
39 height of the wall could possibly resolve these issues.  
40

41 Acting Chairman Johansen pointed out that the conditions concerning the wall  
42 materials would be deferred to the Board of Design Review at their Public  
43 Hearing for the Type 3 Design Review on the following evening. He emphasized  
44 that this issue would be determined at that time, regardless of whether tonight's  
45 application is approved as recommended.  
46

1       **APPLICANT REBUTTAL:**

2  
3       Mr. Kurahashi responded to Mr. Randall's comments, agreeing that he should  
4       have received more information on the proposed wall at an earlier time.  
5       Observing that a sample would be available tomorrow to be addressed at the  
6       meeting of the Board of Design Review, he noted that the applicant might  
7       consider requesting a continuance at that time to allow adequate time for further  
8       review. He described the material, emphasizing that it can be cleaned and that  
9       graffiti can also be removed.

10  
11       Commissioner Bliss questing whether Mr. Kurahashi is aware of any existing  
12       walls with this material located in the Portland area.

13  
14       Observing that a lot of this particular material has not yet been sold in this area,  
15       Mr. Kurahashi pointed out that some of these walls exist in California.

16  
17       Commissioner Bliss questioned whether the information and material would be  
18       made available to Mr. Randall when it arrives.

19  
20       Mr. Kurahashi assured Commissioner Bliss that the information and material  
21       would be available for tomorrow's Board of Design Review Meeting.

22  
23       Commissioner Lynott questioned whether this particular wall is available at a  
24       height greater than eight feet.

25  
26       Observing that the material is available in two-foot sections and that a wall could  
27       be constructed at a greater height, Mr. Kurahashi expressed his opinion that a  
28       higher wall would be neither proportionate nor appropriate for this residential  
29       neighborhood.

30  
31       Commissioner Bliss questioned the feasibility of operating from 6:00 a.m. until  
32       10:00 p.m.

33  
34       Mr. Truax advised Commissioner Bliss that the company basically operates their  
35       gasoline stations on a 24-hour basis, adding that this is not economically driven,  
36       they actually lose money, but are essentially attempting to provide this extended  
37       service to customers, although unsecured equipment is also a concern.

38  
39       Commissioner Bliss questioned whether the facility is open to the public or a card  
40       lock system.

41  
42       Mr. Truax informed Commissioner Bliss that the facility is not a card lock system  
43       and is open to the public, although *Truax* does operate some card lock systems in  
44       other locations.  
45



1 Observing that there had been some consideration given to decreased lighting to  
2 accommodate the residential neighborhood, Mr. Kurahashi pointed out that  
3 customers, particularly women, desire the additional reassurance and protection  
4 provided by a well-lit facility.

5  
6 Mr. Truax mentioned that he would like to accommodate the neighbors as much  
7 as possible, adding that it is still necessary to provide adequate assurance for his  
8 customers.

9  
10 On question, Mr. Kurahashi informed Acting Chairman Johansen that staff had  
11 considered a clear buffer, consisting of ten feet of landscaping, grass, bark chips  
12 and trees. He pointed out that he is not perfectly comfortable with staff's  
13 interpretation of ten feet, which is ten feet between the wall and the curb, rather  
14 than from the property line to the curb.

15  
16 Acting Chairman Johansen questioned whether the difference involves the actual  
17 thickness of the wall.

18  
19 Mr. Kurahashi stated that the difference involves the thickness of wall, its location  
20 with respect to the back property line, adding that the wall would be placed  
21 approximately two feet from the north property line, resulting in about 7-1/2 feet  
22 of virtual planting space in front of wall.

23  
24 Commissioner Bliss questioned the rationale of two feet from the property line,  
25 specifically whether this is for maintenance access.

26  
27 Mr. Kurahashi stated that he is simply attempting to make certain that he has  
28 adequate room.

29  
30 8:21 p.m. to 8:33 p.m. – break.

31  
32 Commissioner Barnard asked staff to explain the rationale for the proposed hours  
33 of operation from 6:00 a.m. to midnight.

34  
35 Mr. Whyte responded, noting that the proposed hours of operation were the same  
36 hours approved by the Planning Commission two years ago when considering the  
37 same request. He also stated that the hours provide a good compromise to the  
38 requests of both the applicant and Mr. Randall.

39  
40 On question, Mr. Naemura indicated that he had no further questions or comments  
41 concerning this application.

42  
43 The public portion of the Public Hearing was closed.

44  
45 Commissioner Barnard expressed his support of the application, as well as the  
46 ten-foot wide planter strip near the property line and the 6:00 a.m. to Midnight

1 hours of operation. He expressed his approval of the proposed wall, adding that  
2 unlike a cinder block wall, it has texture and is appealing.

3  
4 Commissioner Bliss stated that while he was dubious at first regarding the  
5 appropriateness of site, the population in this vicinity has increased significantly  
6 and the application does meet applicable criteria. Reiterating his concern with the  
7 proposed hours of operation, he referenced Section 20.10.20, which provides that  
8 the purpose of a neighborhood service center must meet the frequent needs of  
9 nearby residents. He emphasized that this does not indicate the service of  
10 transient or pass through vehicles, adding that it is necessary to abide by the  
11 Development Code. Observing that he personally plans ahead, he stated that he  
12 could support an amendment to Condition of Approval 4A, providing for hours of  
13 operation from 6:00 a.m. until 10:00 p.m. seven days per week, adding that he has  
14 no issue with the landscaping.

15  
16 Commissioner Barnard requested clarification on how Commissioner Bliss has  
17 determined that this neighborhood does not require the extended hours of  
18 operation until Midnight.

19  
20 Commissioner Bliss commented that he is generally in bed by 10:30 p.m., adding  
21 that he does rise early and personally finds the earlier hours more acceptable than  
22 the later hours requested by the applicant. He expressed his opinion that most of  
23 the residents of the neighborhood, who are renters, are employed and are sleeping  
24 by 11:00 p.m. and would not appreciate listening to vehicles utilizing the site  
25 during the extended hours.

26  
27 Commissioner Lynott expressed his agreement with Commissioner Bliss,  
28 observing that due to the close proximity to the residential units, the operating  
29 hours of 6:00 a.m. to 10:00 p.m. would be more appropriate. Noting that he  
30 approves of the proposed planter strip, he stated that he is in favor of the  
31 application.

32  
33 Acting Chairman Johansen commented that the application meets the appropriate  
34 approval criteria and that the proposal could be made reasonably compatible with  
35 the surrounding neighborhood. He expressed his concern with the proximity to  
36 the nearby residential units, and cited criteria 3, concerning hours of operation.  
37 He mentioned that he approves of the proposed ten-foot planter strip and the 6:00  
38 a.m. to 10:00 p.m. hours of operation.

39  
40 Commissioner Bliss expressed his agreement with the 6:00 to 10:00 p.m. hours of  
41 operation, observing that while he is appreciative of the applicant's concern with  
42 potential vandalism, security lighting could address this issue.

43  
44 Commissioner Barnard pointed out that all parties had previously agreed to the  
45 6:00 a.m. to Midnight hours of operation via past Conditional Use approval and  
46 that the development proposal is essentially the same as that approved by the

1 Planning Commission 3-1/2 years ago. He added that renters are generally young,  
2 sometimes working later shifts as bartenders, grocery store clerks and in other  
3 various occupations. Observing that some inappropriate assumptions have been  
4 made and restrictions proposed with regard to the potential clientele for this  
5 business, he requested that his fellow Planning Commissioners reconsider the  
6 hours of operation.  
7

8 Commissioner Bliss responded that his concern with the extended hours  
9 precluded tonight's meeting, adding that he appreciates Commissioner Barnard's  
10 younger insight and would reconsider the hours of operation.  
11

12 Commissioner Lynott mentioned that his working hours are from 9:00 a.m. until  
13 5:00 p.m. and that he is generally in bed by 10:00 p.m., adding that if renters have  
14 the option of not living in the area, why not allow a 24-hour operation.  
15

16 Commissioner Barnard responded that the applicant, the City and the neighbors  
17 had gone through this process in 1998, adding that the mediated hours of 6:00  
18 a.m. to Midnight had been considered satisfactory to all concerned.  
19

20 Commissioner Barnard **MOVED** that CUP 2001-0025 – Truax Gasoline Service  
21 Station at 14976 SW Walker Road Conditional Use Permit be approved, based  
22 upon the testimony, reports and exhibits presented during the Public Hearing on  
23 the matter and upon the background facts, findings and conclusions found in the  
24 Staff Report dated October 17, 2001, including Conditions of Approval Nos. 1  
25 through 11.  
26

27 Observing that Mr. Randall had originally agreed with the recommended hours of  
28 operation from 6:00 a.m. until midnight with the Conditions of Approval that had  
29 been approved in 1998, Commissioner Bliss **SECONDED** the motion.  
30

31 Motion **CARRIED**, by the following roll call vote:  
32

33 Ayes: Barnard	Nay: Lynott
34 Bliss	
35 Johansen	

36  
37 **MISCELLANEOUS BUSINESS:**  
38

39 The meeting adjourned at 8:53 p.m.